

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EDWARD DEMARCO, et al.,

Plaintiffs,

v.

BAC HOME LOANS SERVICING, LP, et al.,

Defendants.

Case No. 2:09-CV-02333-KJD-LRL

ORDER

The Complaint in this case was filed in state court on November 20, 2009, listing as Defendants: BAC Home Loans Servicing, LP ("BAC"), MTC Financial, Inc., (as the agent for BAC), Doe Defendants I through X, and Roe Corporations A through Z. Defendant BAC removed the case to federal court on December 9, 2009, indicating that it had been served with notice of the summons and complaint on December 1, 2009. (See #1 Ex. A.) On April 14, 2010, the Court issued an Order (#9) granting BAC's Motion to Dismiss, and dismissing the Complaint as to BAC.

Fed. R. Civ. P. 4(m) requires that a defendant be served with notice of summons and complaint within 120 days of the filing of the complaint. Here, as Plaintiff's Complaint was filed on November 20, 2009, service of the summons and complaint was required on all defendants on or

1 before March 22, 2010. To date however, Plaintiff has failed to file proper proof of service upon the
2 remaining Defendant, MTC Financial.

3 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff shall file proof of proper service of
4 summons and complaint upon Defendant MTC Financial pursuant to Fed. R. Civ. P. 4(m) on or
5 before August 31, 2010. Failure to provide notice of proper service will result in dismissal of this
6 action.

7 DATED this 18th day of August 2010

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11 Kent J. Dawson
12 United States District Judge
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